

P O O R H O U S E S
I N S C O T L A N D

IN REFERENCE TO A

PROPOSAL TO ESTABLISH ONE

FOR

BERWICKSHIRE

BY

DAVID MILNE HOME, Esq.

OF WEDDERBURN

THIRD LETTER

WITH MEMORANDUM AND APPENDIX

WILLIAM BLACKWOOD AND SONS

EDINBURGH AND LONDON

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P R E F A C E.

FROM a report which I have just been reading in the 'Kelso Mail' newspaper of the proceedings of the Coldstream Parochial Board on the 18th inst., I observe that out of the twenty-four parishes appealed to for co-operation, only four or five had at that time sent answers. I think it right, therefore, to print and circulate, for the information of the parishes which have not yet answered, the annexed documents, which will conclude all that I have farther to say on the subject of a Union Poorhouse.

With reference to what took place at the meeting of the Board, I am glad to see that I was not wrong in anticipating that, under the control and superintendence of the Chairman, the proceedings would be characterised by moderation and good temper.

Of course I am disappointed at the result—viz., that a resolution should have been come to of endeavouring to get farther support for a scheme which I think so very objectionable. It might have been expected that some deference would have been shown to the excellent letter read from Mr Douglas of the British Linen Company, an influential member of the Board, and Chairman of the Burgh Commissioners of Coldstream. In that letter this gentleman informed the Board of his opinion, "that it would not be advisable to erect a Poor-

“house at present,” and that “the Board will do well to consider the subject maturely before entering on a doubtful course which cannot be retracted.”

That opinion and advice Mr Douglas supported by several cogent reasons. No heed, however, appears to have been given to either advice or reasons, judging by the newspaper report of the discussion.

I hope I may be forgiven for saying that none of the objections taken by me to the measure have been removed by that discussion.

My chief objection to the Poorhouse was that, being an institution of a penal character, with diet, discipline, and restraints intended only for the vicious and dishonest poor, it is not a proper place for the reception of the deserving poor.

In this sentiment the Convener of the Committee distinctly and emphatically agreed with me ; and so do his Committee.

But what said the Chairman of the Parochial Board ? “There can be no doubt that the Poorhouse is the place appointed for *all* the poor, *irrespective of their deservings*. The only title to the benefit of that institution is want, poverty, and destitution. But from my experience of the Boards of this and the adjoining county, I would pay them a poor compliment were I even to suspect them of exercising their powers of relief harshly.” So that, according to the Chairman of the Board, no distinction is to be made between the deserving and the undeserving poor. Both classes are to be sent to the Poorhouse alike if the Board chooses, “*irrespective of their deservings*.”

Another remark was made by the Chairman of the Board, which points in the same direction : “In my humble opinion, the less he (the Inspector of Poor) pretends to know about the intricacies of the law regulating *admission to his roll*, the better.” Is it meant that an offer of relief in the Poorhouse will be sufficient to protect the parish, without inquiry whether there is a right of admission to the roll or not ?

There would be no surer way of having paupers of every class consigned to the Poorhouse, or at all events threatened with it, than by getting inspectors who have no knowledge of the law which regulates admission to the roll.

My chief objection to the proposed Poorhouse—viz., that our deserving poor may all be sent to it—so far from being obviated, has been greatly strengthened by these remarks.

My next objection was, that increased parochial expenditure, and therefore additional burdens on the ratepayers, will follow the establishment of a Poorhouse. How was this objection met? The Convener of the Committee stated that, whilst paupers “have cost 8s. 9d. in a Lodging-House, they will “in a Poorhouse cost 6s. per week. The Edrom Board have “one (pauper) in an East Lothian Poorhouse at that rate “sent from the (Edrom) Lodging-House some time ago. One “Poorhouse has been boarding paupers at 4s. 6d. per week, “and making a profit out of them.”

Now supposing, as seems to be stated, that this sum of 4s. 6d. a-week is the lowest rate at which, in a Poorhouse, paupers can be alimented, where, even at that low rate, is the saving? From last year's Report of the Board of Supervision, it appears that £5, 18s. 10d. yearly is the average rate of maintenance for paupers in Scotland, which is equal to 2s. 3d. per week. The total number of registered poor in Scotland is about 100,000, of whom there are about 7000 in Poorhouses; so that the rate of maintenance would have been even less than 2s. 3d., had the average been struck after leaving out the higher cost of maintenance in Poorhouses.

Therefore it is clear that, were all paupers to be maintained in Poorhouses, *the cost to parishes would be more than double of what outdoor relief costs.*

I suppose the incidental allusion to the Edrom Lodging-House, in which, it is said, the inmates cost 8s. 9d. per week, is to meet and refute my reasons for preferring a Lodging-House. But I cannot accept the Edrom Lodging-House as a

fair specimen of such an institution properly managed. The Dunse Lodging-House, in which the inmates cost the parish only 3s. 6d. per week, I instanced in my previous letter as a model of cleanliness and comfort, and by means of which the parish saved money, inasmuch as its present inmates, with outdoor relief, would have required at least 6s. per week to maintain them. The Haddington Lodging-House is another example, Dr Cook, the Chairman of the Board, having assured me that the inmates in it are lodged at less expense than if they lived elsewhere.

The difference in the cost of maintenance in the two institutions is explained by the fact that a Poorhouse is, both on account of its architectural construction and its internal management, much more complicated and expensive than a Lodging-House.

Another objection was stated by me to the Poorhouse system, to which no answer has been attempted to be made. What will the feelings of the labouring classes be when it becomes known that the destitute among them who, from no fault of theirs, become entitled to relief, are, if a Parochial Board chooses, to be obliged to receive that relief only in a Poorhouse ?

D. M. H.

PAXTON HOUSE, *May* 23, 1868.

BERWICKSHIRE POORHOUSE.

THIRD LETTER TO ROBERT SWAN, ESQ., WRITER,
KELSO, CHAIRMAN OF THE PAROCHIAL BOARD OF THE
PARISH OF COLDSTREAM, FROM DAVID MILNE HOME,
ESQ. OF WEDDERBURN.

PAXTON HOUSE, 15th May 1868.

DEAR SIR,—I have received notice from the Inspector of Poor for Coldstream parish that a Meeting of your Parochial Board will be held on Monday next, the 18th, for the purpose of receiving the Report of the Committee concerning the erection of a Combination Poorhouse.

It will not be in my power to attend, as I must on that day be at a similar meeting in another parish where I have a larger interest, and more duties to discharge than in Coldstream.

If I take no notice of Mr Shaw's third pamphlet, a copy of which I received two days ago, it may be inferred, that I admit the correctness of the views set forth in it. It is therefore due to myself, as well as to the other members of the Coldstream Board, to say how far I agree with these views, and how far I differ. It is an advantage to all of us that the points

of agreement and dispute should be clearly defined and clearly understood.

I shall avoid making any remarks on the continuance of style, tone, and spirit which characterises this pamphlet. The ability and tact with which the author handles his subject may be admitted. He has alluded to the well-known anecdote of a junior barrister getting instructions from his senior. Mr Shaw shows *he* required no instruction, manifesting, as he does, the accomplishments of both the junior and the senior counsel referred to, in his own person.

This pamphlet is as remarkable for what is *in it*, as for what is *not* in it.

Allow me to notice first the points, on which the author is *silent*.

1st, In reference to the character of a Poorhouse as to treatment of its inmates, I gave a quotation from the Minute of the Board of Supervision, and made the following statement:—

“The mode in which ‘the *discipline and restraint*’ is made *irksome*, consists in treatment of the inmates as regards food, clothing, confinement, and exclusion of friends to see them, which savours extremely of the treatment of criminals in a prison” (page 12).

The correctness of this statement, Mr Shaw does not deny.

2d, In reference to who may be inmates of a Poorhouse, I stated that Parochial Boards can, if they choose, send to it all classes of paupers—*i. e.*, the deserving paupers as well as the undeserving.

The correctness of this statement, Mr Shaw does not deny.

3d, In reference to the intentions of the Committee on this point, I stated that I believed, and was glad to see, that the Institution which they wished, and which they meant alone to recommend, was one to which the deserving poor were not to be sent.

The correctness of this statement, Mr Shaw not only does not deny, but reiterates (page 5).

But such an institution is not a Poorhouse; because to it, all classes of paupers may be sent.

4th, I asked, In the event of a Poorhouse being established,

what security there would be that deserving paupers would not be sent to it?

To this inquiry Mr Shaw makes no answer except this, that having a higher opinion of Inspectors of Poor and Parochial Boards than I have, he has no fear that they will abuse their power.

5th, I gave a table showing that in 15 out of the 21 parishes mentioned in Mr Walker's pamphlet, in which Poor-houses were at the date of it established, increased expenditure had followed, and at a rate of increase greater than before.

To this statement Mr Shaw has made no answer, except that my statistics are unfair, and my arithmetic is at fault; but without proving or explaining either assertion.

6th, I stated that Lodging-houses for the accommodation of paupers who now cause great expense to the parish, *would be attended with pecuniary advantage to the ratepayers*; and in proof of that statement, referred to Dunse and Haddington.

To this statement Mr Shaw's only reply is, that this is an "*irrelevant subject*," into which he is not disposed to enter.

7th, In his previous pamphlet Mr Shaw said (page 8) *he had reason to believe*, I had "*not stated fairly*," the case of the Burghhead postmaster. In my answer (page 16) I took the liberty of calling this "a random assertion, which Mr Shaw had no right to make," and requested him to explain *how* the case was not fairly stated.

What is his reply? On page 5 he says:—

"Even had the case of the Burghhead postmaster been fully and fairly stated by Mr Milne Home, which it is not, *one* swallow does not make a summer.* I am not to be forced into giving a corrected version of it."

I have thought it right to call attention to these points. The way in which they have been met by Mr Shaw admits of only one explanation.

* To meet this criticism, I have given in the Appendix other two cases of the deserving poor being consigned to Poorhouses. If many more instances are wanted, they can be supplied by the Inspectors of Edinburgh, Glasgow, or any other large town where a Poorhouse exists.

Next I advert to what this pamphlet *contains*.

I find the following paragraph:—

“It was convenient [for Mr Milne Home] to take no notice of my footnote, that in 14 of these 15 cases of increased expenditure, the increase is more than accounted for by increase of population and increase in the annual allowances to paupers throughout the country. For example, in the first case I cited, the increase of population was 42.1 per cent,* and the increase of allowances to paupers throughout Scotland for the same period was 43.9 per cent; together, 86 per cent, or more than ten times the increase in its expenditure after the opening of the Poorhouse, which was only $8\frac{1}{2}$ per cent” (page 6).

I admit the fact that I took no notice of this footnote, though not for the reason insinuated. To atone for the omission, I will now notice it, and show that it really deserved no notice at all—at least, as an argument on Mr Shaw’s side.

His object was to show that the increased expenditure in parishes with Poorhouses was owing, not to the Poorhouse system, but to something else.

Now, what was that something else? As Mr Shaw likes accuracy, and especially in quotations, perhaps he will not be angry to have it pointed out that he has not quoted his own footnote correctly. The footnote was in these words:—

“In 14 out of these 15 cases of increased expenditure, the increase is more than accounted for, either by increase of population, or increase in the average annual allowances to paupers (Report, page 13) since the year when Poorhouse was opened.”

In this footnote he said that the increased expenditure was accounted for, *either* by increase of population, *or* by increase in the average annual allowances to paupers throughout Scotland.

But, in now referring to this footnote, he says that both causes operated *conjunctly*; and his calculation of 86 per cent is made by adding the two causes together.

* Not having the Population tables at hand, I cannot check the correctness of this statement. But it seems to me very improbable that even in the Barony Parish of Glasgow the population should in four years have increased at the rate of 42 per cent. The increase of population for Scotland during the last *ten* years was at the rate of 7 per cent.

I must confess my surprise that Mr Shaw should think that this foot-note afforded any help to him. When I read it, I did not suppose any one would be misled by it; and the fact that it was not embodied in the text of his Remarks, but given only as a foot-note, seemed to indicate that Mr Shaw himself put little trust in it.

First, as to alleged *increase of the population*,—How can that fact, supposing it to be a fact, explain increased expenditure? If the number of the *paupers* in a parish were to increase, such might be the result. But this is not the allegation, nor could it be made; for, in looking into the statistics of these fifteen cases given by Mr Walker, I find that in ten of them, there was *a diminution in the number of the paupers, during the very time that the expenditure was increasing!* Moreover, in eight of the cases, there was *even a diminution in the population!*

Second, as to the increase in the *average annual allowances to paupers throughout Scotland*,—What bearing has that on the expenditure of a particular parish?

If Mr Shaw wishes to prove that, in any of the parishes where Poorhouses have been erected, the increased expenditure was not owing to the Poorhouse, he must show that it was owing to the increased allowances to the outdoor paupers. But, for that end, he must adduce statistics applicable to the particular parish, and not take the average for all Scotland.

Were such statistics obtained, I should be much astonished if they did not show that the increased expenditure was due to the greater cost of maintenance in the Poorhouse, and not to the increased allowances to outdoor paupers.

In fact, one reason why the average cost of maintenance for all Scotland has been increasing, is the greater expense of maintenance in Poorhouses.

I have mentioned, that in ten out of the fifteen parishes in which Poorhouses were established before the year 1863, the number of paupers diminished, and that, notwithstanding this, the expenditure increased. In these cases, therefore, the expenditure must have been made up of other items than allow-

ances to paupers. Who can doubt what these were, when regard is had to the numerous staff necessary for managing a Poorhouse?

There is but one other statement in the pamphlet, which deserves remark. Its author says:—

“I am still of opinion that, with a well-managed Poorhouse, the rates will *likely* fall.”

I note the doubtful tone in which this opinion is *now* expressed; and I am also struck with the fact that, in support of this opinion, only one parish is referred to, in which the rates are alleged to have fallen. Mr Shaw says I have *chosen to overlook* the *instance* he referred to. His *statement* I did not overlook,—but an “*instance*” I can scarcely acknowledge it to be. The name of the parish referred to was not given, nor the year when the Poorhouse was opened, nor any other particulars, to enable me to judge of the applicability of the case. What, then, could Mr Shaw expect me to have said about it? If I am obliged to say something, it would be that, assuming it to be an instance in which the rates did fall after a Poorhouse was established, it is odd that it should be the only instance found, after, probably, considerable search?

In closing this correspondence, perhaps you will permit me to explain to you the cause of my interest in the question which has led to it. My old friends in Coldstream will remember that, in the Address which I had the honour to deliver in the Mechanics’ Institute there about eighteen months ago, I took occasion to dwell on the evils of our Scotch system of Poor-laws. In that Address, as published in May 1867, I particularly expressed a condemnation of Poorhouses. It was, therefore, with surprise and regret that I received from you a printed copy of the Report of the Coldstream Committee, recommending the establishment of a Poorhouse, and of the Minute of your Parochial Board, proposing that it should be made so large as to embrace *twenty-five parishes of the county*. *It was the first intimation I had received that such a measure was even in contemplation.* Though a member of the Paro-

chial Board of Coldstream, no notices were sent to me of its meetings ; so that I had no opportunity of stating my views to you as Chairman, or to the Board. But entertaining, as I did, very decided views regarding the evils likely to arise from such a measure, I felt it my duty to make these views known ; and the only way I had of doing so, was in the form of letters addressed to you, and printed for circulation, so that Boards and Ratepayers in the different parishes might see both sides of the question. I have endeavoured to explain my objections honestly and dispassionately ; and without, intentionally at least, misrepresenting the opinions of others. If, in pointing out what appeared to me to have been mistakes committed in either argument or fact, I have unfortunately given offence, I am heartily sorry for it, and hope to be forgiven. Of one thing I feel certain, that whatever resolution may be come to on Monday, the deliberations of the Board will, under your control and superintendence as its Chairman, be characterised by moderation and good temper.

I remain,

Dear Sir,

Your obedient Servant,

DAVID MILNE HOME.

ROBERT SWAN, Esq.,

Writer,

KELSO.

(*Memorandum made out for the information of — — —
in Coldstream.*)

A "Poorhouse" must be constructed and must be managed according to rules and conditions fixed by the Board of Supervision.

The Poor-Law Act—viz., 8th and 9th Vict. c. 83—passed in the year 1845, provides in its 63d section, that no Poorhouse shall be built, or be assessed for, unless the *plans have been first approved of by the Board*; and in section 64 it is declared that "the rules and regulations for the management of such Poorhouses, and for the discipline and treatment of the inmates thereof," *shall be "such as shall have been approved by the Board of Supervision."*

It is only when a Poorhouse has been so constructed, and is so managed, that an offer of admission to it constitutes in law an offer of adequate relief.

The Board of Supervision has framed and published the rules by which "Poorhouses" *must* be managed. The Inspector of the parish will show to you a copy of these rules.

The rules, as any one who reads them will see, are of such a nature as to make abode in a Poorhouse unpalatable and repulsive; and very properly so, because the institution was originally intended only for "*those who are not fit objects of parochial relief*" (Board of Supervision Circular of 1850). It is quite right that such persons, *when it has been ascertained* that they belong to this class, should be subjected to penal treatment. In a Poorhouse they receive it, and it is effected by means of limited diet, exclusion of visitors, confinement within the walls, prohibition of smoking, wearing of the pauper's dress, cells for solitary confinement, &c.

The Poorhouses which the Board of Supervision authorise are, not only as regards management and treatment of the inmates, but also as regards construction and arrangement, similar to prisons. The one lately erected at Linton, in Had-

dingtonshire, is surrounded by a wall about ten feet high, having a strong gate with a porter at it, to prevent ingress or egress.

There had always hitherto been an impression that a "Poorhouse," being an institution of a penal character, was to be occupied by one class of paupers alone—viz., *vagabond paupers*. But, unfortunately, it has been lately ascertained, that the Act of Parliament is so expressed as to give to Parochial Boards power to send to the Poorhouse, *all classes of paupers*. It appears also that this power is now in many places exercised, and that paupers who belong to the deserving class have been sent to the Poorhouse—or rather have been threatened to be sent; for in some instances they have refused to go, preferring to starve or beg, rather than go into the Poorhouse.

The Committee and Mr Milne Home agree in thinking that the Poorhouse is not a proper place for the reception of the *deserving poor* (see page 11 of Mr Shaw's pamphlet, and page 14 of Mr Milne Home's second letter). Bedridden paupers, or, to use the expressive words of the old Scotch Act, "cruiked folk, seik folk, impotent folk, and weik folk," who are utterly destitute, and incapable of taking care of themselves, should be provided with an institution of a different kind altogether, as that Act expressly states.—(Mr Milne Home's second letter, p. 13.)

It is agreed, that they ought not and shall not be sent to a Poorhouse. That being the opinion of all parties, why should there not be a separate institution for them, especially as they are admitted to be more numerous? Surely they deserve to be thought of, quite as much as the vicious poor.

A Parochial Lodging-house is the place adapted for the class of paupers now referred to. They would be maintained there at less expense to the parish, with more comfort to themselves, and with less danger to the community when fever or other infectious ailments break out.

If a Poorhouse is once established, there will be no probability of a Lodging-house being established also. There will then be the greatest risk of the deserving poor being consigned to the former. Why? Because a Poorhouse will only

add to the parochial expenditure, unless all or most of the paupers be threatened with it; and, as it will soon be discovered by the ratepayers, that *they have the power of using the Poorhouse in this way*, who can guarantee that the power will not be so exercised?

If, on the other hand, a Lodging-house be established for the reception of those paupers who are now costing the parish from 6s. weekly and upwards, there will be a saving to the parish; whilst the undeserving poor can be kept off the roll without a Poorhouse, by a vigilant scrutiny of their claims.*

It has been very clearly shown that where Poorhouses have been established, the parochial expenditure has in consequence increased, and more rapidly than before, except in a few cases, where large numbers of paupers of all classes have been consigned to them. On the other hand, where Lodging-houses have been established for the reception of the most expensively-maintained paupers, pecuniary advantages result.

A Poorhouse, in the legal acceptation of the word, must be built in the way which shall be required *by the Board of Supervision*, and must be managed according to rules issued by *that* Board. A Lodging-house may be provided of such a description as the Parochial Board approves of, and may be managed in the way they think right.

Into a Poorhouse paupers may be *compelled* to go, on pain of forfeiting right of maintenance. Into a Lodging-house the inmates go voluntarily, and are generally too happy to go, when it is offered to them.

D. M. H.

11th May 1868.

* In confirmation of this remark, I may refer to the proceedings of the Coldstream Parochial Board, held on Thursday the 7th of this month of May 1868. From a paragraph in the 'Scotsman' newspaper of 9th May I make the following extracts:—

“COLDSTREAM PAROCHIAL BOARD.—The half-yearly statutory meeting was held—Mr Robert Swan presiding. From the Inspector's report it appears that during the past year nineteen registered paupers have been removed from the roll. Of these, ten were removed by death, *seven by the Parochial Board, and two have voluntarily relinquished their claim.* The roll numbers at present 125 against 132 in May last year. The weekly payments at present amount to £15, 19s. 5d.,—being £1, 3s. 9d. less than in May last year.”

The vigilant scrutiny which has taken place, under the auspices of a new chairman and a new inspector, is thus, as I predicted in my first letter, already bearing good fruit.

A P P E N D I X.

1. *Watson v. Welsh*, 26th Feb. 1853 (Dunlop, Law Reports, vol. xv. 448).—Rosie Watson, an aged and infirm woman, was upon the roll of paupers of the parish of Troqueer, and received an allowance of outdoor relief amounting to 7s. per month. She had one daughter, about fourteen years old, residing in family with her, who attended to her wants and took care of her.

The Parochial Board of Troqueer having, in July 1852, acquired right to several shares in the Poorhouse of Kirkeudbright, situated in another parish, about twenty-five miles distant, came to the resolution of changing the mode of relief afforded to the pauper, and intimated to her that in future she would be supported in the Union Poorhouse.

The pauper pleaded that she should not be compelled to go into the Poorhouse, not being of weak or facile mind, or of dissipated and improvident habits, and having a daughter whose daily wage of 8d. per day helped to maintain her. Moreover, if she went to the Poorhouse, her young daughter would be left alone without any protection. These statements were not denied; neither was it alleged that the pauper had any relatives able to alimment her.

The Lord Ordinary held that the pauper was bound to go into the Poorhouse,—and would, if she did not, forfeit any farther parochial relief, adding, that “the mere circumstance that it is painful to her to leave her daughter, may be matter of regret, but does not render the offer of relief illegal.” The Inner House adhered to this judgment, declaring, that as “the parish offers to place the pauper, in what is not denied to be a legal Poorhouse, she must submit to this arrangement.”

2. *Mackay v. Baillie*, 20th July 1853 (Dunlop, Law Reports, vol. xv. p. 971).—Mother of a boy eight years old, who was able to support herself, but not her boy also, asked for some outdoor relief on account of the boy. Outdoor relief was refused; but an offer was made to take the boy into the Poorhouse, provided his mother accompanied him. The mother refused to go, but was willing that the boy should go. The Court (though with some hesitation) held that the Parochial Board was entitled to withhold relief, except both mother and son went into the Poorhouse. There was no allegation that the mother was of dissipated habits. She was, though not robust, able for light work, which gave her wages sufficient for her own maintenance.